

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**APRIL 10, 2000**

<b>IN RE:</b>	)	
	)	
<b>APPLICATION OF MEMPHIS NETWORK, LLC,</b>	)	
<b>FOR A CERTIFICATE OF PUBLIC</b>	)	
<b>CONVENIENCE AND NECESSITY TO PROVIDE</b>	)	
<b>INTRASTATE TELECOMMUNICATION</b>	)	
<b>SERVICES AND JOINT PETITION OF MEMPHIS</b>	)	<b>DOCKET NO. 99-00909</b>
<b>LIGHT GAS &amp; WATER DIVISION, A DIVISION</b>	)	
<b>OF THE CITY OF MEMPHIS, TENNESSEE</b>	)	
<b>("MLGW") AND A&amp;L NETWORKS-TENNESSEE,</b>	)	
<b>LLC ("A&amp;L"), FOR APPROVAL OF AGREEMENT</b>	)	
<b>BETWEEN MLGW AND A&amp;L REGARDING JOINT</b>	)	
<b>OWNERSHIP OF MEMPHIS NETWORK, LLC.</b>	)	

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**PRE-HEARING OFFICER'S ORDER CONTINUING HEARING**

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Early in this proceeding, the parties agreed that the Tennessee Regulatory Authority ("Authority") could hear this matter in two days, and the Pre-Hearing Officer accordingly scheduled the hearing for two days. Attempts have been made over the course of several weeks to ensure the proceedings before the Authority would not exceed the two days allotted for the hearing. During numerous Status and Pre-Hearing Conferences, the Pre-Hearing Officer facilitated discussions between the Applicant, Joint Petitioners and Intervenors in an attempt to set the stage for an orderly and expeditious two-day hearing by narrowing the issues as well as stipulations as to facts and admission of documents. Unfortunately, the parties have not been able to stipulate to a number of matters as originally anticipated, and numerous evidentiary issues are still outstanding.

To afford the Intervenors the opportunity to fully present their case without unduly delaying or lengthening the hearing, the Pre-Hearing Officer permitted the taking

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of depositions of two witnesses, Alex Lowe and Larry Thompson, in advance of the April 13 and 14 hearing dates. On March 31, 2000, the Applicant, Joint Petitioners and Intervenors agreed to a deposition date of April 6, 2000. On that date, prior to taking the depositions, the parties raised various motions and objections. After extended discussions, the parties agreed to cancel the depositions. In lieu of deposition testimony, the parties agreed Mr. Lowe and Mr. Thompson would present live testimony at the hearing.

This agreement will add two witnesses and, as cautioned by the Pre-Hearing Officer on April 6, 2000, will expand the time needed for the hearing. In addition, the fact that specific evidentiary objections could not be resolved through the taking of those witnesses' depositions will most likely result in lengthy cross-examination of both witnesses. This also impacts the length of the hearing. Finally, the inability of the Applicant, Joint Petitioners and Intervenors to reach certain stipulations, thereby facilitating disposition of evidentiary issues prior to the hearing, itself would also extend the time needed for the hearing.

Given the above, it is evident to the Pre-Hearing Officer that no less than three (3) days are necessary to afford the Applicant, Joint-Petitioners and Intervenors a fair opportunity to present their cases. Therefore, **it is hereby ordered** that the hearing is continued. An Order or Notice rescheduling the hearing for at least three consecutive days will follow.

  
RICHARD COLLIER ACTING AS  
PRE-HEARING OFFICER

ATTEST:

  
K. David Waddell, Executive Secretary